

(1) **BIOLOGICAL OPINION AND INCIDENTAL TAKE STATEMENT.**—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall issue a biological opinion and incidental take statement for the Mountain Valley Pipeline, substantially in the form of the biological opinion and incidental take statement for the Mountain Valley Pipeline issued by the United States Fish and Wildlife Service on September 4, 2020.

(2) **ADDITIONAL AUTHORIZATIONS.**—Notwithstanding any other provision of law, not later than 30 days after the date of enactment of this Act—

(A) the Secretary of the Interior shall issue all rights-of-way, permits, leases, and other authorizations that are necessary for the construction, operation, and maintenance of the Mountain Valley Pipeline, substantially in the form approved in the record of decision of the Bureau of Land Management entitled “Mountain Valley Pipeline and Equitrans Expansion Project Decision to Grant Right-of-Way and Temporary Use Permit” and dated January 14, 2021;

(B) the Secretary of Agriculture shall amend the Land and Resource Management Plan for the Jefferson National Forest as necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline within the Jefferson National Forest, substantially in the form approved in the record of decision of the Forest Service entitled “Record of Decision for the Mountain Valley Pipeline and Equitrans Expansion Project” and dated January 2021;

(C) the Secretary of the Army shall issue all permits and verifications necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline across waters of the United States; and

(D) the Commission shall—

(i) approve any amendments to the certificate of public convenience and necessity issued by the Commission on October 13, 2017 (161 FERC 61,043); and

(ii) grant any extensions necessary to permit the construction, operation, and maintenance of the Mountain Valley Pipeline.

(e) **AUTHORITY TO MODIFY PRIOR DECISIONS OR APPROVALS.**—In meeting the applicable requirements of subsection (d), a Secretary concerned may modify the applicable prior biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization described in that subsection if the Secretary concerned determines that the modification is necessary—

(1) to correct a deficiency in the record; or

(2) to protect the public interest or the environment.

(f) **RELATIONSHIP TO OTHER LAWS.**—

(1) **DETERMINATION TO ISSUE OR GRANT.**—The requirements of subsection (d) shall supersede the provisions of any law (including regulations) relating to an administrative determination as to whether the biological opinion, incidental take statement, right-of-way, amendment, permit, verification, or other authorization shall be issued for the Mountain Valley Pipeline.

(2) **SAVINGS PROVISION.**—Nothing in this section limits the authority of a Secretary concerned or the Commission to administer a right-of-way or enforce any permit or other authorization issued under subsection (d) in accordance with applicable laws (including regulations).

(g) **JUDICIAL REVIEW.**—

(1) **IN GENERAL.**—The actions of the Secretaries concerned and the Commission pursuant to subsection (d) that are necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline shall not be subject to judicial review.

(2) **OTHER ACTIONS.**—The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over—

(A) any claim alleging—

(i) the invalidity of this section; or

(ii) that an action is beyond the scope of authority conferred by this section; and

(B) any claim relating to any action taken by a Secretary concerned or the Commission relating to the Mountain Valley Pipeline other than an action described in paragraph (1).

SEC. 12124. RIGHTS-OF-WAY ACROSS INDIAN LAND.

The first section of the Act of February 5, 1948 (62 Stat. 17, chapter 45; 25 U.S.C. 323) is amended by adding at the end the following: “Any right-of-way granted by an Indian tribe for the purposes authorized under this section shall not require the approval of the Secretary of the Interior, on the condition that the right-of-way approval process by the Indian tribe substantially complies with subsection (h) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(h)) or the Indian tribe has approved regulations under paragraph (1) of that subsection.”

SEC. 12125. FEDERAL ENERGY REGULATORY COMMISSION STAFFING.

(a) **CONSULTATION DEADLINE.**—Section 401(k)(6) of the Department of Energy Organization Act (42 U.S.C. 7171(k)(6)) is amended—

(1) by striking “The Chairman” and inserting the following:

“(A) **IN GENERAL.**—The Chairman”; and

(2) by adding at the end the following:

“(B) **DEADLINE.**—The requirement under subparagraph (A) shall be considered met if the Director of the Office of Personnel Management has not taken final action on a plan for applying authorities under this subsection within 120 days of submission of the plan by the Chairman to the Director of the Office of Personnel Management.”

(b) **ELIMINATION OF REPORTING SUNSET.**—Section 11004(b)(1) of the Energy Act of 2020 (42 U.S.C. 7171 note; Public Law 116-260) is amended by striking “thereafter for 10 years,” and inserting “thereafter,”.

SA 6514. Mr. JOHNSON (for himself, Mr. CRUZ, Mr. RISCH, Mr. MARSHALL, Mr. BRAUN, Mr. CRAPO, Mr. DAINES, Mrs. HYDE-SMITH, Mr. PAUL, Mr. HOEVEN, Mr. HAWLEY, Ms. LUMMIS, Mr. GRAHAM, Mr. LEE, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 525 the following:

SEC. 525A. REMEDIES FOR MEMBERS OF THE ARMED FORCES DISCHARGED OR SUBJECT TO PUNISHMENT UNDER THE COVID-19 VACCINE MANDATE.

(a) **LIMITATION ON IMPOSITION OF NEW MANDATE.**—The Secretary of Defense may not issue any COVID-19 vaccine mandate as a replacement for the rescinded mandates under this Act absent a further act of Congress expressly authorizing a replacement mandate.

(b) **REMEDIES.**—Section 736 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 10 U.S.C. 1161 note prec.) is amended—

(1) in the section heading, by striking “**TO OBEY LAWFUL ORDER TO RECEIVE**” and inserting “**TO RECEIVE**”; and

(2) in subsection (a)—

(A) by striking “a lawful order” and inserting “an order”; and

(B) by striking “shall be” and all that follows through the period at the end and inserting “shall be an honorable discharge.”;

(3) by redesignating subsection (b) as subsection (e); and

(4) by inserting after subsection (a) the following new subsections:

“(b) **PROHIBITION ON ADVERSE ACTION.**—The Secretary of Defense may not take any adverse action against a covered member based solely on the refusal of such member to receive a vaccine for COVID-19.

“(c) **REMEDIES AVAILABLE FOR A COVERED MEMBER DISCHARGED OR PUNISHED BASED ON COVID-19 STATUS.**—At the election of a covered member and upon application through a process established by the Secretary of Defense, the Secretary shall—

“(1) adjust to ‘honorable discharge’ the status of the member if—

“(A) the member was separated from the Armed Forces based solely on the failure of the member to obey an order to receive a vaccine for COVID-19; and

“(B) the discharge status of the member would have been an ‘honorable discharge’ but for the refusal to obtain such vaccine;

“(2) reinstate the member at the grade held by the member immediately prior to the involuntary separation or any other punishment received by the member based on the member’s vaccine status;

“(3) expunge from the service record of the member any reference to any adverse action based solely on COVID-19 status, including involuntary separation; and

“(4) include the time of involuntary separation of the member reinstated under paragraph (2) in the computation of the retired or retainer pay of the member.

“(d) **ATTEMPT TO AVOID DISCHARGE.**—The Secretary of Defense shall make every effort to retain members of the Armed Forces who are not vaccinated against COVID-19.”

(c) **IMMEDIATE RESCISSION OF MANDATE.**—Notwithstanding the deadline provided for in section 525, the rescission of the COVID-19 mandate shall take effect immediately.

SA 6515. Mr. SCHUMER proposed an amendment to amendment SA 6513 proposed by Mr. SCHUMER (for Mr. MANCHIN) to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 6516. Mr. SCHUMER proposed an amendment to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE

This Act shall take effect on the date that is 2 days after the date of enactment of this Act.

SA 6517. Mr. SCHUMER proposed an amendment to amendment SA 6516 proposed by Mr. SCHUMER to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United